

**EDUCATION AND YOUTH COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Education and Youth Committee was held at the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, in the Rose Y. Caracappa Auditorium on **Tuesday, May 1, 2001** at 1:30 p.m.

MEMBERS PRESENT:

Legislator Vivian Fisher, Chairperson
Legislator Angie Carpenter, Vice-Chair
Legislator Jon Cooper
Legislator Brian Foley
Legislator Fred Towle
Legislator Andrew Crecca

ALSO IN ATTENDANCE:

Paul Sabatino, Counsel to the Legislature
Linda Bay, Legislative Aide to Presiding Officer Tonna
Barbara LoMoriello, Legislative Aide to Legislator Cooper
Nicole DeAngelo, IR/County Executive's Office
David Reese, Suffolk County Community College
Joyce Gabriele, Suffolk County Community College Faculty Association
Fritzi Rohl, Suffolk County Community College – H.R. Director
Charles K. Stein, Suffolk County Community College
Paul Cooper, Suffolk County Community College
John Bullard Jr., Suffolk County Community College
Edward Wankel, Suffolk County Community College
Harold Mayer, Cashin Associates
John M. Kennedy, Nassau/Suffolk Building Trades

Minutes Taken By:

Kimberly Castiglione, Legislative Secretary

(The meeting was called to order at 1:35 p.m.)

CHAIRPERSON FISHER:

Welcome to the Education and Youth Committee of the Legislature. We will stand for the pledge and I will lead that myself.

(Salutation)

We have two speakers who are here to speak with us today regarding a Sense Resolution that we have tabled a number of times and about which we have had some questions. I spoke to Legislator Haley and invited him to come to our meeting so that he could give us information. He wasn't able to come, but he did ask the speakers whom we will meet in a minute to come and explain that Sense Resolution for us. Our first speaker is Jack Kennedy. John Kennedy. I'm sorry.

MR. KENNEDY:

I am here hopefully to maybe give you some information that might help you in your decision as it relates to project labor agreements. Project labor agreements are not anything new. You know, they go back to as far as 1937 and 1938. For example, the Grand {Cooley} Dam, the {Shasta} Dam, were built under a project labor agreement and they were in the mid 1930's. Other project labor agreements that were something that most of us would know about would be the New York World's Fair, Disney World, that was done under a project labor agreement. Oakridge Tennessee, the project for the atomic research, Cape Canaveral was

done under a project labor agreement. There are quite a few. The Trans-Alaska Pipeline was done under a project labor agreement. So they are something that has been around for quite a while.

They have been proven, they have been tested, and we think they are tremendous benefit, both to business, to any kind of governmental institution. Right here on Long Island we did the renovation of the H. Lee Dennison Building under a project labor agreement. We did the police precincts, we did the Suffolk Community College project. We are going to do the Yaphank Jail. I negotiated a project labor agreement on that job. I did a project labor agreement in Stony Brook University. I have done a few private sector. The Underwriters Laboratory in Melville I negotiated that contract.

What they bring to the table is some stability as far as the lack of work stoppage's, no lock-outs, no strikes, a standardized workday. Within the building trades there is 30 different building trades, local unions, that come under the building trades. Not all of them, each one is autonomous, and not each one of them has the same working hours. Some are a seven hour day, some of them are an eight hour day. Some of them have double time for overtime, some of them have time and a half.

What we do under a project labor agreement is we have an eight hour standardized workday, Monday to Friday. All overtime, if it should be worked, between Monday and Friday, is at the time and a half rate. That is an example of a concession or a negotiated item that comes about from negotiating with a project labor agreement.

I am in the process, I am probably at the 12th hour on a project labor agreement for Patchogue-Medford School District. I have negotiated the agreement. All it needs is signatures. It is a \$70 million project. There has been some problems with school district work with work that has been performed by people that have cheated on the prevailing rate. They have cheated on the workmanship as far as quality is concerned, and this again, this is something that we guarantee. Our apprenticeship programs are the best there are in the country. They are New York State certified. And our workforce is highly motivated and highly skilled and we hope that we can make this where school districts will want to embrace it. I had a meeting with the superintendent maybe about a week and a half ago, and he is going to look into the feasibility and hopefully we will be able to do a project labor agreement with him.

But what this would do, this sense resolution, it would give more credibility. The Governor has been a proponent, so has the County Executive, and we would hope that the Legislature would do the same thing.

CHAIRPERSON FISHER:

John, I have a few questions to ask with regards to this. Can you just give us the nuts and bolts of exactly what a project labor agreement is? What happens when there is a project labor agreement?

MR. KENNEDY:

Well, again, what I said to you, what it does is I think I gave you an example of a standardized workday. I think I gave you the ability to have a no strike clause.

CHAIRPERSON FISHER:

But what I am saying is that anyone who is working on a project, no matter which union that person – represents that person, all of the union people that are working on a project have the same agreement. Is that what that means by a project labor agreement?

MR. KENNEDY:

What probably, for the lack of a better word, would be -- I would refer to it as a master agreement. It supersedes any local unions other agreement, their regular collective bargaining agreement. This supersedes it, it is site specific, it is for a specific job, and for that job only.

CHAIRPERSON FISHER:

Thank you. I just wanted to clarify specifically what it was. You mentioned that Patchogue-Medford had just signed – is negotiating a labor agreement or has just signed?

MR. KENNEDY:

No. They have made inquiries. The superintendent reached out to me about a week and a half ago and asked if I would sit down with him because he had heard about the Eastport Manor project labor agreement that we have in the final stages. He asked some of the questions that you just asked now, what are the benefits, what am I going to get out of this. I told him about the benefits and about my experience.

I can tell you this, that the Suffolk Community College project, the new field house over there, that was about – I think it was either 60 or \$65 million job. That job came in ahead of schedule, it was under budget. The Dormitory Authority had a tremendous good experience with that project labor agreement. Had we not had a project labor agreement there, I think there would have been long delays because of there was a non-union entity on the job. They worked under the project labor agreement and we prevented any work stoppage's or pickets. That was just one of the jobs. The same with Dennison.

CHAIRPERSON FISHER:

There have been some districts that have expressed a concern that if there is, if school districts are required to work under project labor agreements that the expenditures might go up, that the amounts that they are spending would go up, but you are indicating that in projects that you have mentioned they have come in below budget.

MR. KENNEDY:

It has been our experience, and even nationally, that project labor agreements as a whole have brought the cost down and also has expedited the job and brought them in ahead of schedule. And when you bring a job in ahead of schedule you save money.

CHAIRPERSON FISHER:

You have mentioned a couple of school districts. How many school districts do you know in Suffolk County that have entered into a project labor agreement?

MR. KENNEDY:

The one that I am doing in Eastport Manor is the first.

CHAIRPERSON FISHER:

Is the first, okay.

MR. KENNEDY:

We are excited about that.

CHAIRPERSON FISHER:

So we are yet to see any that have occurred yet, but there is one that is almost there, another one that is making inquiries, the Patchogue-Medford schools.

MR. KENNEDY:

I think we could use Suffolk Community College as a – I think that is a graphic illustration of how they work and what went on.

CHAIRPERSON FISHER:

I think there are other questions. Legislator Cooper? Legislator Crecca, did you have a question?

LEGISLATOR CRECCA:

I did, but Jack already answered it actually. I was just going to ask you about, I have heard

that they really speed up jobs, get them done on or before schedule, but I think you just addressed that, so I don't have a question.

CHAIRPERSON FISHER:

Legislator Cooper.

LEGISLATOR COOPER:

Jack, hi. I just had one question. If there are so many concrete benefits to both management and labor from a project labor agreement, why is it that we need a Sense Resolution requiring them for school districts? Why are they not more prevalent, and why is that not the standard that is used?

MR. KENNEDY:

I think probably it is because of, and at the risk of offending somebody if this should, you know, get beyond where we are right now, I think it is because they don't know enough about the benefits and possibly – probably if I took my own inventory and maybe it is because I haven't taken the time to educate each school district and tried to get in and speak to the superintendent which I did a week and a half ago. Maybe I should be doing that all over Long Island, but I don't have the time. I should probably be doing it, but I don't have the time.

LEGISLATOR COOPER:

Thank you.

CHAIRPERSON FISHER:

Legislator Carpenter.

LEGISLATOR CARPENTER:

Jack, I just wanted to clarify something. Did you say that part of what you negotiate for is uniform hours? Does that mean that absent an agreement like this that you might expect the plumbers to work seven to three and the electricians to work from eight to five or whatever and not be able to jive schedules.

MR. KENNEDY:

Yes, and that happens. And some guys in their collective bargaining agreement if they work overtime get double time. Some guys get time and a half.

LEGISLATOR CARPENTER:

So you are basically maximizing the hours that you can work really and making sure that everybody is on the job at the same time adhering to the same schedules.

MR. KENNEDY:

Every day for some of those trades, that of a seven hour day every day is an extra hour that is picked up.

LEGISLATOR CARPENTER:

Thank you.

CHAIRPERSON FISHER:

Legislator Foley.

LEGISLATOR FOLEY:

Thank you, Madam Chair. Jack, it is good to see you here speak to us about an issue that is important to your membership and is important to the County at large. One of the primary reasons that this resolution has been tabled for quite some time, and the Chair pointed out, we wanted to hear from the sponsor of the bill a little more about the reasons for the legislation, for the resolution rather.

One of the questions that I had for Legislator Haley -- when you read the whereas clause, executive order number 89, requiring that all State projects adhere to this directive. Well, when Legislator Haley put the bill forward, he didn't append to it executive order number 89, so many of us don't know what the directives were -- what directives were contained in that executive order and how could we move forward without getting some, at least some basic understanding of what that executive order contains, what are the directives. How would those directives be oriented toward school districts. Those are some concerns that we had.

Some of the other concerns that we had, at least that I had, is that normally speaking the County Legislature doesn't tell school districts what they should or shouldn't do, whether they should go into an agreement or not go into an agreement. Speaking as one Legislator who has always been very, very supportive of project labor agreements, and as a matter of fact, Jack, if you want to use another example, and this was a legislative initiative to include the old infirmary into the capital program where there is a lot of talk about it for years, but it was through this Legislature and this Legislator in particular that we got that project into the capital program. And when you marry that project with the Evans K. Griffing project out at Riverhead and combine the two, that is going to be a substantial project labor agreement in and of itself.

So this Legislature, not just the County Executive, but this Legislature on County projects has been very supportive of PLA agreements. The reason why we have delayed it here is that we haven't heard from the sponsor number one, and number two, maybe you know at least some of the directives that would pertain to school districts that are contained within that executive order. We are not nitpicking, but we need to know those things before we are asking another level of government to undertake this kind of approach to construction management.

Now, there is nothing now that prohibits school districts from doing this, so my question is, if we approve this and we send this up to Albany, are we saying, does this executive order from the Governor say that school districts must do PLA's or what are the directives within that executive order. That would be helpful.

MR. KENNEDY:

I am not an attorney. I know some of the work --

LEGISLATOR FOLEY:

Does it take away the discretion from school districts?

MR. KENNEDY:

I don't know. All I can say is I know when an entity, when a government entity signs on to this, it helps to legitimize it, for the lack of a better word. I know when the Governor made the statement within an executive order to prescribe that all State work, all agencies, authorities and all of that utilize a project labor agreement, it makes it easier for us to negotiate labor agreements. When you guys did it with the County Executive, it made it better. So I know that if you did it, it would make it a lot better for us.

LEGISLATOR FOLEY:

Is there some budget line, like for instance projects that are over a certain amount of money? Is there a threshold budget figure?

MR. KENNEDY:

I would like it to apply to everything that comes out of a school district, but I don't know. Perhaps that could be negotiated or something could be put in there.

LEGISLATOR FOLEY:

Through the Chair. Is there any indication where the Governor stands on this? Is he thinking about it, is he leaning towards doing this? Have we spoken to State Legislators about putting pressure on the State Governor's Office?

MR. KENNEDY:

I haven't spoken to the Governor's Office, Brian.

CHAIRPERSON FISHER:

Actually, those are good points asking how much of a requirement there is.

MR. KENNEDY:

Hal could probably answer some of those legal questions.

CHAIRPERSON FISHER:

Okay, but to reiterate some of the remarks made by Legislator Foley, perhaps the clarity of the Sense Resolution is something that we want to look at. Thank you very much, Mr. Kennedy.

MR. KENNEDY:

Brian, let me just say one other thing, and I was probably remiss in my remarks. I can't thank the Legislature for all of the support that they have given us with project labor agreements and encouraging them. So I thank you guys for that.

CHAIRPERSON FISHER:

Thank you. Harold Mayer.

MR. MAYER:

Harold Mayer, Cashin Associates. Although if you call him Jack, you can call me Hal. And I am glad to be arguing the same side of an issue with Jack Kennedy for a change. We have sat across the table many times. He mentioned that he wasn't an attorney and got a lot of smiles and applause for that. I am; I hope you don't hold that against me. I know some of you are as well.

I am in-house counsel for Cashin Associates which is a consulting engineering firm. We do a lot of work for Suffolk County, including work on some PLA negotiations and agreements. We have also for some other municipalities, Nassau County, Erie County upstate, City of Buffalo Board of Education, which might be applicable since we are talking about school districts.

I would like to try and address some of the concerns that were raised in the conversations with Jack Kennedy. Clearly I can't speak for Marty Haley, so if you think something needs to be changed in the wording of the resolution or the supporting documentation, his office has to deal with that.

But just going by memory of some of the questions that were raised. Both Governor Pataki and the County Executive Gaffney have issued executive orders for their respective jurisdictions that require the use of PLA's to be considered under various circumstances. Someone asked was there a threshold or a minimum amount. I don't have it in front of me, I am going on memory. I believe the threshold is the same threshold as for Public Works that it required to go out to public bid. I think we are all familiar with {Wics} Law and things of that nature.

It does not require that a PLA be used, it requires that it be considered.

If I can just walk you through. Our experience in some of the jurisdictions where PLA's have been used, often the municipality or the entity, the department of the state, whoever is involved, will retain a professional firm like ours to do an analysis of the projected I'll say cost and benefits of using a PLA in a particular instance, and we have done a number of these now so we almost have a formula as to the things we look at. We try to identify what trades would be involved in the project, how many contractors there probably would be and how many unions.

Most often when we are on Long Island and the construction trades are involved we are dealing with Jack Kennedy's office, but even in other areas of the state where there are different counsels we can have 20, 30 unions involved in a big project. As was indicated earlier each of them has a different what they call schedule (a) to their collective bargaining

agreement which talks about holidays, overtime rates, standard work hours. Some are 35, some are 40. And all of those things we attempt to negotiate in advance through somebody like Jack Kennedy or whoever his equivalent would be in the region involved to get a standardized work week if we can.

We are also sometimes able to, I am not trying to negotiate with him here, but we are sometimes able to get wage rates to be held if we know a collective bargaining agreement is – let's say a project is going to go for three years. If we know that there are some collective bargaining agreements that are going to come up for renewal in two and a half years, we are sometimes able to get them to forestall that wage increase as it applies to that project for the run of that project.

The major savings I think -- people talked about some school districts fear the cost would go up if they have a PLA. Our experience is that costs are contained, not driven up. Now, that is very difficult to prove, very difficult, because you can't do a project twice. We can only compare it to other projects and our experience. Even though I am here talking about PLA's, the company has been in business since 1959. I have been with them since 1987. We have done far more projects without PLA's than with PLA's, and we have also represented assurity companies when projects have been defaulted. Very, very often one of the reasons for a default is a labor dispute, jurisdictional dispute, failure of union and non-union contractors to be able to work together. All of that hopefully, usually, is avoided when a PLA is used.

I am trying to remember some of the questions that were raised and address them. Why don't the school districts use this if it is beneficial. Well, inertia is part of it. Even though Jack alluded to the fact that PLA's go back to the mid-30's, those early examples were most all federal government projects. It has taken a while until their use becomes common I'll say at the State level and even more so to where they become common on the local basis. And not every school district is going to be in the same labor environment that we find ourselves in on Long Island. Even though we all like home rule and we like to think of Long Island as a separate stand-alone region, there are some things that we have in common with metro New York City that you don't find in some of the more rural counties of upstate New York. So the considerations that we look at as to whether a PLA is practical and beneficial for the community, or in this case the school district, would vary from place to place.

CHAIRPERSON FISHER:

If I could just interrupt you for a second.

MR. MAYER:

Sure. Go ahead. I didn't mean to ramble on. I was trying to remember some of the questions.

CHAIRPERSON FISHER:

While you are addressing I believe the kernel of two of the questions which were Legislator Cooper's question which was if it is beneficial why are they not opting in, and Legislator Foley's question, which is how narrow is this requirement. Are we requiring – does executive order 89 require that every school district on every project over a threshold amount use the PLA model? If there are these differences and variables, would it be wise for us to eradicate a district's ability to opt in or out. That is why I interrupted you at this moment because that is exactly what you were getting at. There were two questions that I think hinge on what you are saying. What you are saying is very germane to the two of them.

MR. MAYER:

Let's back up just a bit and see if we can get on the same page as far as the terminology is concerned. I believe that the executive order that has been in place some time that Governor Pataki signed early on when he became Governor covers entities or subdivisions of the State government but does not apply to school districts. County Executive Gaffney has signed a similar order for entities or agencies of Suffolk County, but that doesn't apply to school districts.

Each of those orders, and in particular the Governor's order, requires that the use of a PLA

be considered, it is not mandatory, when certain thresholds are passed. I don't have the dollar amounts memorized. I believe they are the same as for what defines a public work under the general municipal law for things to be required to be put out to public bid. I know that is raised from time to time and I don't want to mention a dollar figure and be wrong on it, but there is a threshold amount.

Like I say, when an entity is considering a public work project that falls within those guidelines, they hire a firm like ours to do an analysis to see if a PLA would be beneficial. I believe what Legislator Haley is urging this committee and ultimately the Legislature to do is to pass a resolution encouraging the governor to extend that order to apply to school districts. If that were all to happen, then the school district, like a department of the State government now and like Suffolk County does now, and as Jack Kennedy alluded to like we did with the Dormitory Authority on this recent Suffolk County Community College expansion, would hire a firm like ours to do a study when they were considering putting up a new school or building a major expansion to a school to see if it would make sense for that district on that particular contract to use a PLA or not. It would not apply for – I will use the qualitative term, minor repairs.

Again, I hesitate to quote because I may quote incorrectly, but there are thresholds well established for many years in the law as to what is a major repair and what – a major construction project and what is a minor repair.

CHAIRPERSON FISHER:

The title of the Sense I believe is what is causing us the concern. When you read "Memorializing resolution requesting Governor of the State of New York to extend project labor agreement requirements", requirements does lend itself to the interpretation that everyone would be required to do something. What you are saying is that those requirements are that entities consider PLA.

MR. MAYER:

That is correct, that they consider PLA's and there are a list of things that they must look at to see if it is going to be beneficial in this particular case. Some of the things that we look at are traditionally in the locality involved are projects of this type usually, and we do it on a percentage breakdown, awarded to union or non-union contractors. If you are in a situation where traditionally non-union contractors do all that type of work in that locale, it doesn't make sense to impose, to force, the union in there. If you are in a situation where 80 percent of the work of that type of contract has been done using union contractors in the last five years anyway, then it usually argues in favor of having a PLA because of all these benefits we talked about, about standardized agreements and there are all kinds of operational benefits to having a PLA. We usually set up a mediation panel that has a union representative, a government or owner representative, and a representative from a firm like ours. Almost always we are able to forestall major labor shutdowns and work out agreements to complaints, discrepancies or alleged violations.

CHAIRPERSON FISHER:

Do any Legislators have any further questions? Legislator Foley.

LEGISLATOR FOLEY:

Thank you, Madam Chair. Thank you for answering the questions. Is the motivation behind the resolution the fact that – have there been widespread violations of prevailing wage laws on school district projects and that one of the reasons why this resolution is coming forward now is because there have been these violations coupled with the fact that over the next five years there is going to be hundreds of millions of dollars worth of school district projects throughout the County. In fact, we could probably easily go over a half a billion dollars worth of capital projects in Suffolk County alone and include the whole Island. If you added up all the cumulative cost it would probably be closer to a billion dollars.

So the fact of the matter is have there been some prevailing wage violations in some districts and that the reason for this approach is a way to grapple with that in the future so that there aren't these violations in the future just when a number of projects will be getting off the

ground over the next three years, a part of the motivation of this?

MR. MAYER:

I feel far more competent to address the second half of that than the first. My sense is yes to both. I am confident of number two. I don't pretend to be an expert on how many prevailing wage rate violations there have been in school districts. Mr. Kennedy probably can address that better than I can. The second part certainly – and I think this ties into what somebody asked about whether it saves money or costs money.

The long established law in New York is that prevailing wage rate must be paid to tradespeople on public construction projects, and that includes the school districts. And in this region, the union rates are the prevailing wage rate. So if a contractor is saving money, quote unquote, on his bid, by paying less than the union rate, it is a false savings anyway. But it is to insure going – part of the motivation is to insure going forward, that as this major construction boom takes place corners aren't cut and tradespeople aren't – there are two things. The tradespeople aren't deprived their right for wage, but also that the public is served by properly skilled and trained tradespeople. As in everything else, and I am not a spokesman for the union, I am telling you from the negotiating standpoint of seeing contracts fall apart. As in everything else, we often get what we pay for. And if you take lowest cost on a worker who doesn't have the training and all of the apprenticeship behind him, you may get what you pay for. But maybe – do you want to answer that?

LEGISLATOR FOLEY:

Madam Chair, if you don't mind the sufferance to having Mr. Kennedy just answer that one question.

CHAIRPERSON FISHER:

Absolutely.

MR. KENNEDY:

A week and a half ago I attended a press conference with the District Attorney. The District Attorney indicted a contractor that was working on three schools where he had cheated workers out of thousands and thousands of dollars. One of the hardships of this is a legitimate contractor is bidding against that type of a person. So what it does is it undermines the whole system. As was said before, you are not getting your bang for your buck. You are not getting a qualified worker. You are getting a person that is not highly trained. And is it rampant? You bet. It is all over the island right now with people that are being exploited and nobody is watching the store.

CHAIRPERSON FISHER:

Getting back to something – I am sorry, Legislator Foley.

LEGISLATOR FOLEY:

Just as a follow-up, if I may. As things stand now, Jack, school districts if they don't want to they don't have – under the present circumstance, they don't have to consider PLA's. Is that correct?

MR. KENNEDY:

That is right.

LEGISLATOR FOLEY:

What this executive order would in essence do, if we want to call it a requirement, it requires the districts to consider. Whereas under the present circumstance or situation they don't need to consider it. Is that correct?

MR. KENNEDY:

Yes. And I am going to bet that if I get to the table and I sit down with them I can teach them about the merits and also give them some kind of degree of comfort to know who and what they are dealing with.

CHAIRPERSON FISHER:

What you are saying, then, is that this executive order would force these school districts into a position where they would have to educate themselves with regarding this option.

MR. KENNEDY:

Yeah.

LEGISLATOR FOLEY:

Thank you. Another reason for the resolution, Jack, are you getting or receiving any indication from the Governor's Office that they are resisting that idea of directing the Education Department to make this a requirement? Because when I read the resolution it says, "request the Governor of the State of New York to extend to local school districts via New York State Education Department the requirements contained in New York State Executive Order Number 89."

Is there – the reason why you are trying to develop this groundswell of support, is there resistance within the Governor's Office to direct the Education Department to do this?

MR. KENNEDY:

No, but I don't think that we could do it at a better time with the Governor running for reelection. I think it is perfect.

LEGISLATOR FOLEY:

But it is your understanding –

CHAIRPERSON FISHER:

How is that?

MR. KENNEDY:

How is that?

CHAIRPERSON FISHER:

Yes, can you explain –

MR. KENNEDY:

Because he likes to be a friend of labor, all right, and anybody that looks to labor – I represent 60,000 construction workers that work for the Nassau/Suffolk building trades and they all vote, which most of you know.

LEGISLATOR FOLEY:

The point that I was trying to raise, Madam Chair, is the fact that – one of the reasons for this resolution, Jack, is that the Governor at this point in time is showing no indications of directing the Education Department to require this PLA on school districts. Is that not correct?

MR. KENNEDY:

No. I would probably be less than genuine if I said to you that that was the case. I haven't sat down with the Governor and asked him to embrace the concept. I haven't done that.

LEGISLATOR FOLEY:

But in order to help in that effort is why you would like to see this move forward.

MR. KENNEDY:

Yes.

LEGISLATOR FOLEY:

Thank you.

CHAIRPERSON FISHER:

Thank you very much.

LEGISLATOR CRECCA:

Madam Chair?

CHAIRPERSON FISHER:

We have another speaker.

LEGISLATOR CRECCA:

I'm sorry. I was just going to make a motion.

CHAIRPERSON FISHER:

It is a very short agenda. We are going to leave the order as it is. The next speaker is Clifford Hymowitz.

MR. HYMOWITZ:

My name is Cliff Hymowitz and I am a resident of Selden. I was very interested in listening to your discussion on the PLA. I just would like to ask your permission to just put in something that you might consider.

I am also on the Board of the Selden/Centereach Youth Association. One of the things that I brought to their attention is a HUD program that gives money to take students to teach them a trade while they are revitalizing the community. I was just wondering if that might be considered to be along with this PLA is to participate in this HUD program.

(Legislator Towle entered the meeting at 2:20 p.m.)

It would be motivation for the school districts because their students – as you know, not every student plans on going to college, that they could be participating in the program and it would be paid for by HUD and they would get a trade. If somebody might consider looking into –

CHAIRPERSON FISHER:

Would you send me some information on that?

MR. HYMOWITZ:

Yeah, I can send you information on that.

CHAIRPERSON FISHER:

Thank you very much.

MR. HYMOWITZ:

I am just wondering from the gentleman if he ever heard about that program.

CHAIRPERSON FISHER:

Actually, if you wouldn't mind just having a conversation off the record on that and just send us the information. Thank you very much.

CHAIRPERSON FISHER:

We are going to move to the agenda.

TABLED PRIME

1246-01 Authorizing the County Executive to amend the Plan C Agreement between the County of Suffolk and the Suffolk County Community College. (Foley)

Is there a motion?

LEGISLATOR FOLEY:

I will make the motion to approve Madam Chair.

CHAIRPERSON FISHER:

I will second that motion.

LEGISLATOR FOLEY:

Madam Chair, just on the motion very quickly. We know the contents, I hope we know the merits of the resolution. I have discussed it in the past. We have given ample opportunity to the college, especially to the President to address this issue. I think we have given the opportunity over a series of committee meetings and I would like to move it today, Madam Chair.

CHAIRPERSON FISHER:

Okay. There is a motion and a second. All in favor? Opposed? Please note the opposition.

(Vote: 3/3/0/0 Opposed: Legislators Carpenter, Towle and Crecca.)

LEGISLATOR FOLEY:

Motion to table. The vote was called? Okay.

INTRODUCTORY RESOLUTIONS

1372-01 Accepting and appropriating 100% Federal Funding for the implementation of a College Bound Senior Merit Incentive Program. Assigned to Education & Youth and Finance & Financial Services and Social Services. (Co. Exec.)

LEGISLATOR FOLEY:

Motion.

LEGISLATOR CARPENTER:

Second.

CHAIRPERSON FISHER:

There is a motion and a second. All in favor? Opposed? 1372 is approved and placed on the consent calendar. **(Vote: 6/0/0/0)**

1378-01 Accepting and appropriating an award from the Suffolk County Department of Fire, Rescue and Emergency Services for facility upgrades at the Eastern Campus Special Needs Evacuation Center 100% reimbursed by County funds at Suffolk County Community College. (Co. Exec.)

LEGISLATOR COOPER:

Motion.

CHAIRPERSON FISHER:

Motion by Legislator Carpenter.

LEGISLATOR COOPER:

Second.

CHAIRPERSON FISHER:

Seconded by Legislator Cooper. Motion to place it on the consent calendar. All in favor? Opposed? 1378 is approved for the consent calendar. **(Vote: 6/0/0/0)**

1393-01 Amending the Suffolk County Temporary Classification and Salary Plan in connection with new position titles at Suffolk County Community College. (Co. Exec.)

LEGISLATOR FOLEY:

Can we have an explanation?

CHAIRPERSON FISHER:

Is there someone to speak on this resolution?

MR. WANKEL:

Good afternoon. My name is Ed Wankel. I am the Director of the Sports and Convention Center at Suffolk County Community College Western Campus. I have made a request to the trustees of the college to establish two existing titles that currently are in effect within the Suffolk County Civil Service. That is a Recreation Aide and a Recreation Instructor.

My main purpose is that many of the activities that we are involved with, (a) operating a health club facility at the college during downtime, and (b), having conventions, trade shows, sporting events, are not college events and it would help the college reduce costs of personnel by using titles that would be less expensive than some of the titles that are available to us now.

I ask that you consider the Recreation Aide and Recreation Instructor. I looked at those titles and we can integrate them into our operations, the non-educational operations of that facility.

CHAIRPERSON FISHER:

Now, would these be seasonal positions or –

MR. WANKEL:

These are all part-time positions.

CHAIRPERSON FISHER:

They are part-time positions. And they are all within the recreation center – the sports complex?

MR. WANKEL:

Yes.

CHAIRPERSON FISHER:

Okay. And how many positions are there?

MR. WANKEL:

Just two, Recreation Aide and Recreation Instructor.

CHAIRPERSON FISHER:

One in each title.

MR. WANKEL:

Right.

LEGISLATOR CRECCA:

Motion to approve.

LEGISLATOR CARPENTER:

Second.

CHAIRPERSON FISHER:

I was still asking questions. I wasn't finished. Now, would they be hired on step one? It would be brand new?

MR. WANKEL:

It would depend upon their qualifications for the position. The salary ranges from Rec Aide run from \$8 an hour to \$9.75 an hour. It would be our intent to always hire at the entry level unless there is some special qualifications that that person may have that would deem it necessary to hire them at a higher rate.

CHAIRPERSON FISHER:

Thank you, Mr. Wankel. Are there any other questions regarding this? Okay. There was a

motion and a second. All in favor? Opposed? 1393 is approved. **(Vote: 6/0/0/0).**
Thank you for being here.

I would like to reconsider 1378. There is additional information that Counsel has just mentioned. We are reconsidering 1378. Counsel?

MR. SABATINO:

I apologize for the delay. I got distracted. On 1378 there was an indication that the \$25,000 is coming from the County Department of Fire, Rescue and Emergency Services. It just struck me as odd because how could the department have \$25,000 to allocate to another agency with all the budget cutbacks and whatever else we are dealing with. It may be something that is workable, but I thought you might just want to get an explanation or an answer before you did it because it looks like it is 100% coming from the State, but it is –

CHAIRPERSON FISHER:

Yes, I thought it was 100% coming from the State.

MR. SABATINO:

It is really not. It may be fine, but it struck me as odd.

CHAIRPERSON FISHER:

Can you come forward please? Thank you.

MR. COOPER:

My name is Paul Cooper. I am the Executive Director of Facilities at Suffolk County Community College. The money comes from a State grant that the Fire, Rescue and Emergency Services received and they are just passing it along to us. It is initially State money.

CHAIRPERSON FISHER:

It is State money and it is coming through –

MR. COOPER:

Correct.

CHAIRPERSON FISHER:

Through the Fire, Emergency Services to the Suffolk Community College.

MR. COOPER:

That is correct.

CHAIRPERSON FISHER:

Are there any other questions? I withdraw the motion to reconsider and 1378 stands approved.

SENSE RESOLUTIONS

30-2001 Memorializing resolution requesting State of New York to enact field trip policy. (Fisher)

I make a motion to approve.

LEGISLATOR COOPER:

Second.

CHAIRPERSON FISHER:

Seconded by Legislator Cooper.

LEGISLATOR CARPENTER:

On the motion.

CHAIRPERSON FISHER:

Certainly.

LEGISLATOR CARPENTER:

Was there a Senate bill on this?

CHAIRPERSON FISHER:

There was a bill introduced in the Senate and the Assembly. I have the numbers here.

LEGISLATOR CARPENTER:

And all of this talking about what would be required to do I assume is part of the bill?

CHAIRPERSON FISHER:

Yes. That is the wording from the bill.

LEGISLATOR CARPENTER:

Is there any accommodation to be made, because I thought I read that if for some reason a student couldn't get back on the bus, a chaperone has to stay behind, but is there accommodation made if there is not enough chaperones?

CHAIRPERSON FISHER:

There has to be a chaperone left behind. Field trips have ratios of faculty or chaperone to students that are required. If one student has to be left behind and the number of chaperones going back with the other students wouldn't be sufficient, then the whole trip would have to be delayed until such time that they make accommodations. But no student should be left behind on a field trip.

LEGISLATOR CARPENTER:

No student should be left behind, but a whole bus full of students could be detained while someone has to come to be able to bring the bus back.

CHAIRPERSON FISHER:

If it is necessary, yes. Yes, you don't leave a student behind.

LEGISLATOR CRECCA:

On the motion.

CHAIRPERSON FISHER:

Is Legislator Carpenter finished with her questions? It is requiring someone to be kept – to stay with the student if that student has to be left behind for any reason. Somebody must stay with that child. You may not leave a child.

LEGISLATOR CARPENTER:

I do understand that. But I am just saying now all of the other students on the bus can conceivably be detained for hours. There is no discretion saying –

CHAIRPERSON FISHER:

You do have discretion to take the student with you. This is saying in such cases where there is circumstances which prohibit the child from going back on the school bus and going back with you. You must have a chaperone that stays with that student. You cannot leave a child alone away from the school.

LEGISLATOR CRECCA:

This includes medical circumstances, too? Like, for example, if a child was brought to a hospital or something?

CHAIRPERSON FISHER:

Yes. You can't leave a student behind without one of the chaperones. Did you want to go into the verbiage there?

MR. SABATINO:

I think maybe there is a misunderstanding that if one adult stays behind that the remaining adults cannot go back with the bus.

LEGISLATOR CARPENTER:

I know they can go back on the bus. But if there is a certain ratio of adults that have to be on the school bus, Legislator Fisher is saying that –

MR. SABATINO:

Those ratios are not statutory. That is my point. I think there is a misunderstanding –

CHAIRPERSON FISHER:

You wouldn't send a school bus back alone without any chaperone, but if the ratio isn't met, you can send that school bus back with three instead of four chaperones and one chaperone stays behind with the child.

LEGISLATOR CRECCA:

I understand. I guess one of my concerns is are we micromanaging school districts and what they can or can't do. I know Legislator Foley raised a concern before about imposing our will on school districts of what they must do in given situations. I mean, this is on individual field trips. My concern –

CHAIRPERSON FISHER:

What we are doing is supporting a Senate and Assembly bill.

LEGISLATOR CRECCA:

I understand. I wasn't done.

CHAIRPERSON FISHER:

I was answering your question, which is it was supporting those bills.

LEGISLATOR CRECCA:

Right. But I am saying it would still be micromanaging school districts on telling them what their policy must be on school trips. Don't get me wrong. I agree that they shouldn't leave kids behind unattended and the tragedy that happened with the boy with Great Adventure is horrible. I mean, that was a bad decision by some people regarding a school.

CHAIRPERSON FISHER:

The New York Education Law does set statutes and regulations for schools so I don't know if that comes under micro-management.

LEGISLATOR CRECCA:

I don't know. That is why I am asking. Have you spoken to any school districts about this and are they in favor of this?

CHAIRPERSON FISHER:

The school districts that I have spoken with are certainly in favor of this and as their policy have this as a policy that you never leave a child behind on a trip. It has been my experience when I have taken my students on trips that it would be unimaginable for me to ever leave a child behind. I take students to Spain, and if there was someone who had to stay behind, there would be other chaperones who would return with the students, but I would stay in Spain with the child who was hurt or jailed or whatever happened to that child –

MR. SABATINO:

Also, just from a legal perspective, quite frankly this would help the schools protect themselves against liability. The sensible thing to do is not to leave the child behind because

if something does go wrong, you are exposing yourself to really unlimited liability for any injury or any harm that comes to that person. I wouldn't view it as micromanaging, I would view it as providing a legal defense really for the school district.

LEGISLATOR CRECCA:

I have no problem passing it out of committee necessarily. I would like an opportunity to go back to my school districts in my district and just get their input on it, too.

CHAIRPERSON FISHER:

There is a motion to approve and a second. All in favor? Opposed? Sense 30 is approved.

(Vote: 6/0/0/0).

I would suggest if there is going to be any input that we as Legislators who represent 18 districts throughout Suffolk County that we invite educational institutions to come to the meeting on the 8th and voice their concerns. But as I said, as a longtime teacher, most school districts have this already set as a policy.

LEGISLATOR CRECCA:

I don't have a problem with it. I just would like to get their input, that is all I am saying. I am happy to approve it, I'll probably vote for it. I would just like to hear what my districts have to say.

CHAIRPERSON FISHER:

Right, okay.

LEGISLATOR CARPENTER:

I just find it incredible to think that situation could have existed. It just seems so ludicrous.

CHAIRPERSON FISHER:

Absolutely. We have before us tabled Sense Resolution 4 which we have discussed.

TABLED:

4-2001 Memorializing resolution requesting Governor of the State of New York to extend project labor agreement requirements to local school districts. (Haley)

LEGISLATOR CRECCA:

Motion to approve.

LEGISLATOR FOLEY:

Second.

LEGISLATOR CARPENTER:

Second.

CHAIRPERSON FISHER:

Motion to approve by Legislator Crecca. Somebody here said second.

LEGISLATOR CARPENTER:

I did.

CHAIRPERSON FISHER:

Seconded by Legislator Foley. All in favor? Opposed? **(Vote: 6/0/0/0)**

Mr.'s Kennedy and Mayer, I would like to ask if you would be able to come on Tuesday for the meeting during the public portion in case there are questions about this. I intend to let the districts know – the school districts know that this will be coming up for a vote on the 8th so that we can also have their input.

MR. KENNEDY:

What time?

CHAIRPERSON FISHER:

The meeting is in Riverhead at 9:30 a.m. And that is Tuesday, May 8th. Thank you. Are there any questions? Is there any further business? Seeing none, this meeting is adjourned.

(The meeting was adjourned at 2:35 p.m.)

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